

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BILLIE JOE CHAPMAN,

Plaintiff,

v.

**MICHEAL HOUSTON, Director
(N.D.C.S.), et al.,**

Defendants.

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CASE NO. 4:07CV3081

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's notice of withdrawal of appeal. (Filing No. 22.) On October 2, 2007, the court entered an order granting Plaintiff ten days in which to file a notice of withdrawal of appeal. (Filing No. 21.) Plaintiff filed his notice of withdrawal of his appeal in this matter on October 9, 2007. (Filing No. 22.)

IT IS THEREFORE ORDERED that:

1. Plaintiff's appeal is deemed withdrawn. Plaintiff is not obligated to pay the \$455.00 appellate filing fee and the appeal will not proceed; and
2. The Clerk of the court shall not process the appeal in this matter.

DATED this 22nd day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge